

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

34 Franklin Street, LLC

v.

Civil No. 08-cv-00478-JL

Grace Fellowship of
Nashua, Inc.

**ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on
May 4, 2009.

The Discovery Plan (document no. 14) is **approved** as
submitted, with the following changes:

- Completion of discovery: **December 1, 2009**
- Summary Judgment Motions: **January 15, 2010**
- DiBenedetto "empty chair defense" disclosure: **June 1,**
2009.
- Joinder of Additional Parties: **June 15, 2009**

Based on the discussions between the court and counsel at
the conference, the following affirmative defenses are **stricken**
without prejudice to being reinstated on request if warranted by

the evidence: Counterclaim Answer (document no. 11) ¶ 207 (estoppel); ¶208 (waiver).

On or before **November 15, 2009**, the plaintiff shall notify the defendant which, if any, of its five claims it will not press at trial (while reserving judgment, of course, Counts 3 and 5, in particular, drew the court's interest as potentially lacking merit).

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: May 4, 2009

cc: Alexander G. Rheaume, Esq.
Dennis E. McKenna, Esq.
John F. Bisson, Esq.